

REMARKS

Claims 1-61 are pending in the present application.

This Amendment is in response to the Office Action mailed April 27, 2006. In the Office Action, claims 8-24, 28-30 and 39-46 are withdrawn from consideration. The Examiner rejected claims 1-5, 32-36, 47, 48, 50 and 51 under 35 U.S.C. § 102(e); claims 7, 25, 31, 32, 38, 52-56, 59 and 60 under 35 U.S.C. § 102(b), and claims 6, 37 and 61 under 35 U.S.C. § 103(a).

Applicant has canceled claims 7, 25, 47 and 52-56 and amended claims 26, 31, 48, 49, 50, 51, 57 and 59-61.

In addition, the Examiner indicated allowable subject matter for claims 26, 27, 49, 57, and 58 if they are rewritten in independent form including the base claim and any intervening claims. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

I. REJECTIONS UNDER 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-5, 32-36, 47, 48, 50 and 51 under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication no. U.S. 2003/0063342 A1 by Horimai ("Horimai"). The Examiner also rejected claims 7, 25, 31, 32, 238, 52-56, 59 and 60 under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,946,286 issued to Bahns ("Bahns").

Applicant respectfully traverses the rejections for the following reasons:

Horimai discloses a structure formed of two single-sided type optical information recording media which are laminated to each other at the reflecting substrates (page 21, right-hand column, lines 8-12 and Fig. 45). Horimai discloses a reflecting substrate 221 one

surface of which is a reflecting surface, a substrate 222 provided in a face-to-face relationship with the reflecting surface of the reflecting substrate 221; and outer circumferential spacer 223 and an inner circumferential space 224 for spacing the reflecting substrate 221 and transparent substrate 222 with a predetermined gap there between; and a hologram layer 225 bonded to the surface of the transparent substrate 222 facing the reflecting substrate 221 (p. 20, right-hand column, lines 51-59). In contrast to the present invention, Horimai discloses the reflecting substrate 221 when the present invention discloses an opaque layer. By definition, opaque means, inter alia, not reflecting light where by contrast, substrate 221 in Horimai is a reflecting substrate.

Bahns discloses that an incident light enters first data layer 44, becoming attenuated by a surface reflection at the first data layer 44. The light is further attenuated as it passes through first data layer 44, and is reflected on first reflective layer 46. The light reflected by the first reflective layer again exits the first data layer 44, which has been previously referred to as R1. Light which is focused on the second reflective, passes through second data layer 48... (Col. 7, lines 42-53). Unlike the present invention, Bahns does not an opaque layer disposed between a first and second diffractive holographic data storage devices.

The rejection of claims 7, 25, 52-56, and 59 is moot in view of the cancellation of these claims. Regarding claims 32 and 38, they are not being anticipated by Bahns because Bahns does not disclose an opaque layer. Claim 60 is a dependent of the allowable claim. Therefore, the rejection is also moot.

To support a 102 rejection, the Examiner must show that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bro. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987), (MPEP §2131). In addition, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9

USPQ2d 1913, 1920 (Fed. Cir. 1989), (MPEP §2131). Here the Examiner has not pointed out the specific language in Horimai or Bahns that teaches an opaque layer disposed between and attached to one side of the first and second diffractive holographic data storage devices.

Horimai, Bahns taken alone or in any combination, do not disclose, suggest, or render obvious an opaque layer disposed between and attached to one side of the first and second diffractive holographic data storage devices.

Since the Examiner has failed to show the identical invention in as complete detail as is contained in the claim, the rejections under 35 U.S.C. §§102(e) and 102(b) were improperly made. Therefore, Applicant respectfully requests that rejections be withdrawn.

II. REJECTIONS UNDER 35 U.S.C. § 103

The Examiner rejected claims 6 and 37 under 35 U.S.C. § 103(a) as being unpatentable over Horimai and claim 61 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bahns.

Claims 6, 37, and 61 are dependent claims and in view of the above arguments, Applicant respectfully requests the rejection be withdrawn.

Therefore, Applicant believes that independent claims 1, 26, 32, 49, 57, and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejections under 35 U.S.C. §§ 102(b), 102(e) and § 103(a) be withdrawn.

III. ALLOWABLE SUBJECT MATTER

In the Office Action, the Examiner objected claims 26, 27, 49, 57, and 58 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant rewrote the claims as stated by the Examiner. Applicant would like to thank the Examiner for these allowable claims.

CONCLUSION

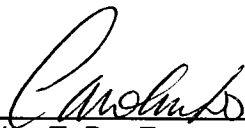
In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 04-1175.

Respectfully submitted,

DISCOVISION ASSOCIATES

Dated: 07/25/06



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